

**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

The proposed amendment expands Medicaid coverage to children with disabilities who have family income or resources that are too high for eligibility for SSI-related Medicaid. This expansion takes advantage of the opportunity offered by the Family Opportunity Act, Section 6062 of the Deficit Reduction Act of 2005, Public Law 106-170. The Iowa General Assembly authorized this expansion in 2007 Iowa Acts, chapter 218, section 124, and 2008 Iowa Acts, House File 2539, section 55. The Department estimates that about 200 Iowa children may qualify for this coverage.

This amendment does not provide for waiver in specified situations because the amendment confers a benefit and because federal requirements do not allow for waiver of the eligibility requirements. The Department has a general rule at 441—1.8(17A,217) on procedures for requesting an exception to policy when members feel they have special situations that need to be evaluated on an individual basis.

Any interested person may make written comments on the proposed amendment on or before October 15, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

This amendment is intended to implement Iowa Code section 249A.3 as amended by 2007 Iowa Acts, chapter 218, section 124.

The following amendment is proposed.

Adopt the following **new** subrule 75.1(43):

**75.1(43) *Medicaid for children with disabilities.*** Medical assistance shall be available to children who meet all of the following conditions on or after January 1, 2009:

- a. The child is under 19 years of age.
- b. The child is disabled as determined pursuant to rule 441—75.20(249A) based on the disability standards for children used for Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, but without regard to any income or asset eligibility requirements of the SSI program.
- c. The child is enrolled in any group health plan available through the employer of a parent living in the same household as the child if the employer contributes at least 50 percent of the total cost of annual premiums for that coverage. The parent shall enroll the child and pay any employee premium required to maintain coverage for the child.
- d. The child's household has income at or below 300 percent of the federal poverty level applicable to a family of that size.

(1) For this purpose, the child's household shall include any of the following persons who are living with the child and are not receiving Medicaid on another case:

1. The child's parents.
2. The child's siblings under the age of 19.
3. The child's spouse.
4. The child's children.
5. The children of the child's spouse.

(2) Only those persons identified in subparagraph (1) shall be considered a member of the child's household. A child who lives alone or with persons not identified in subparagraph (1) shall be considered as having a household of one.

(3) For this purpose, income shall include all earned and unearned income as defined for purposes of the Supplemental Security Income program by 20 CFR Sections 416.1102, 416.1103, 416.1110, 16.1111, and 416.1120 to 416.1123 as amended to August 20, 2008, without regard to exclusions or deductions from income applied in determining eligibility for Supplemental Security Income.

(4) The federal poverty levels used to determine eligibility shall be revised annually on April 1.